



Entered on Docket
August 06, 2010

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

PITE DUNCAN, LLP
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Attorneys for Secured Creditor WELLS FARGO BANK, N.A., SUCCESSOR BY MERGER
TO WELLS FARGO BANK SOUTHWEST, N.A. FORMERLY KNOWN AS
WACHOVIA MORTGAGE, FSB, FORMERLY KNOWN AS WORLD
SAVINGS BANK, FSB

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

ERICK ALBERTO RODRIGUEZ,

Debtor(s).

Bankruptcy Case No. BK-S-10-11172-MKN
Chapter 7

WELLS FARGO BANK, N.A.,
SUCCESSOR BY MERGER TO WELLS
FARGO BANK SOUTHWEST, N.A.
FORMERLY KNOWN AS WACHOVIA
MORTGAGE, FSB, FORMERLY KNOWN
AS WORLD SAVINGS BANK, FSB'S
ORDER TERMINATING AUTOMATIC
STAY

Date: July 21, 2010

Time: 1:30 p.m.

1 A hearing on Secured Creditor Wells Fargo Bank, N.A., successor by merger to
2 Wells Fargo Bank Southwest, N.A. formerly known as Wachovia Mortgage, FSB, formerly
3 known as World Savings Bank, FSB's Motion for Relief From the Automatic Stay came on
4 regularly for hearing in the United States Bankruptcy Court before the Honorable Mike K.
5 Nakagawa, Ace Van Patten appearing on behalf of Secured Creditor.

6 The court having duly considered the papers and pleadings on file herein and
7 being fully advised thereon and finding cause therefor:

8 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

9 The automatic stay of 11 United States Code section 362 is hereby immediately
10 terminated as it applies to the enforcement by Movant of all of its rights in the real property
11 under the Note and Deed of Trust encumbering the real property commonly known as 2494
12 Maple Berry Court, Las Vegas, Nevada 89135 ("Real Property"), which is legally described as:

13 SEE LEGAL DESCRIPTION ATTACHED
14 HERETO AS EXHIBIT A AND MADE A PART
15 HEREOF.

16 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant and/or
17 its foreclosure trustee shall mail written notice of the time, date and place of the foreclosure sale
18 of the Real Property to the Debtor(s) at the address for the Real Property at least 7 calendar days
19 prior to the foreclosure sale. In the event that Movant and/or its foreclosure trustee provides at
20 least 7 calendar days' advance notice of the time, date and place of the foreclosure sale of the
21 Real Property in compliance with the notice requirements set forth in Chapter 107 of Nevada
22 Revised Statutes, those notices shall be sufficient to satisfy the requirement of this Court to
23 provide 7 days' notice to the Debtor(s).

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Movant may offer and provide Debtor with information re: a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement with Debtor. However, Movant may not enforce, or threaten to enforce, any personal liability against Debtor if Debtor's personal liability is discharged in this bankruptcy case.

APPROVED/DISAPPROVED APPROVED/DISAPPROVED

<u>SAMUEL A. SCHWARTZ</u> DEBTOR(S) ATTORNEY	<u>WILLIAM A. LEONARD</u> TRUSTEE
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EXHIBIT "A"

PARCEL ONE (1):

LOT FOURTEEN (14) BLOCK FORTY-FOUR (44) OF RED ROCK COUNTRY CLUB AT SUMMERLIN – UNIT 1C, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 85, OF PLATS, PAGE 83, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

PARCEL TWO (2):

A NON-EXCLUSIVE EASEMENT FOR INGRESS, EGRESS AND RECREATIONAL USE ON AND OVER THE COMMON AREA AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR SUMMERLIN SOUTH COMMUNITY ASSOCIATION RECORDED SEPTEMBER 29, 1997 IN BOOK 970929 AS DOCUMENT NO. 00789, AND RE-RECORDED OCTOBER 8, 1997 IN BOOK 971008 AS DOCUMENT NUMBER 00484, AND THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR RED ROCK COUNTRY CLUB RECORDED FEBRUARY 9, 1999, IN BOOK 990209 AS DOCUMENT NO. 01023, AS THE SAME MAY FROM TIME TO TIME BE AMENDED AND/OR SUPPLEMENTED IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, WHICH EASEMENT IS APPURTENANT TO PARCEL ONE (1).

ALTERNATIVE METHOD re: RULE 9021:

In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

☐ The court has waived the requirement of approval under LR 9021.

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed written objections.

☒ This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

☐ Approved.

☐ Disapproved.

☒ Failed to respond. - Debtor's Attorney/Trustee

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Submitted by:

/s/ ACE C. VAN PATTEN

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